



THE CITY OF SAN DIEGO

DEVELOPMENT PERMIT/ENVIRONMENTAL DETERMINATION

Appeal Procedure

CITY OF SAN DIEGO DEVELOPMENT SERVICES
1222 FIRST AVENUE, MS 302, SAN DIEGO, CA 92101
CALL (619) 446-5210 FOR INFORMATION.

INFORMATION
BULLETIN

505

APRIL 2007

This Information Bulletin discusses the appeal procedure for Development Permits processed in accordance with Processes Two, Three, Four Decisions, and Environmental Determinations.

As discussed within San Diego Municipal Code (SDMC) Chapter 11, Article 2, Division 5, discretionary permits decided in accordance with Processes Two, Three and Four decisions are appealable to higher decision-making levels. Process Two and Three permit decisions are appealable to the Planning Commission. Process Four permit decisions are appealable to the City Council. Appeals of Environmental Determinations may be made after all project appeal rights have been exhausted. There is no local administrative permit or environmental determination appeal procedure for Process Five decisions.

All appeals must be made in accordance with the procedures listed in SDMC Chapter 11, Article 2, Division 5. All appeals must be made no later than close of business, within ten (10) business days of the original decision date (Process Three and Four), and within twelve (12) business days of the original decision date for Process Two decisions only. Business days are defined within SDMC Sections 113.0103 and 21.04.

Only those persons or agencies qualified as "Interested Persons" in accordance with SDMC Section 113.0103 shall be permitted to file an appeal of a Process Three or Four project. Process Two projects may be appealed by any person. Appeals of Environmental Determinations made by the Planning Commission may only be filed by interested persons while appeals of Environmental Determinations made by the Development Services Department may be filed by anyone.

Any questions regarding specific projects should be referred to the assigned Development Project Manager at Development Services.

I. APPEAL CRITERIA

The following criteria will be used in determining the valid filing of an appeal (see Municipal Code Section 112.0510):

- ☐ Fully completed Development Permit/Environmental Determination Appeal Application (DS-3031)
- ☐ Original signature of appellant on Development Permit Appeal Application (DS-3031)
- ☐ Completion of "Grounds for Appeal"
- ☐ Payment of Appeal Fee, if applicable

Documents referenced in this Information Bulletin

- [San Diego Municipal Code](#)
- [Development Permit Appeal Application \(DS-3031\)](#)
- [Council Policy 600-24 - Community Planning Groups](#)

- ☐ All above items submitted to the appropriate location prior to close of business, at the end of the appeal period (see below).

Faxed appeals are not accepted.

Decision Appealed	Appeal Period
Process Two	within 12 business days of the decision date
Process Three	within 10 business days of the decision date
Process Four	within 10 business days of the decision date
Environmental Determination:	
Decisions by the Development Services Department	within 10 business days from the date of posting of the Notice of Right to Appeal or within 15 business days from the date of the environmental determination
Decisions by the Planning Commission	within 10 business days of the decision date

II. FEES

A \$100 Appeal Fee is required for appeals, except for those filed by the recognized Community Planning Group (CPG) for the project area or a Community Planning Group which immediately abuts another CPG area (see Note below). Contesting of the appeal fee requirement must be made prior to the end of the appeal period, with a final determination made prior to the end of the appeal period. Failure to provide the appeal fee as required prior to the end of the appeal period shall constitute an invalid appeal.

NOTE: Appeal fees are non-refundable, also the Appeal Fee shall only be waived for appeals filed by the recognized Community Planning

Group for the project area (Reference Council Policy 600-24), or a Community Planning Group which immediately abuts another CPG area . When a recognized Community Planning Group files an appeal, the Appeal Form must be signed by the current Chair or President of the applicable group, acting on behalf of the Community Planning Group. The current Chair or President will be verified by the most updated list maintained by the [City Planning and Community Investment Department](#).

III. FILING LOCATION FOR APPEALS

Process Two and Three - City of San Diego, Development Services Department, 1222 First Avenue, 3rd Floor, Cashier, San Diego, CA 92101. For office hours and information phone: (619) 446-5210.

Process Four and Environmental Determination - City of San Diego, City Clerk's Office, 202 "C" Street, 2nd Floor, San Diego, CA 92101. Phone: (619) 533-4000.

IV. INVALID APPEALS

Failure to provide any of the required items in the above checklist (see Section I, Appeal Criteria) by

the end of the appeal period, or appeals made by those person(s) **not qualified** as an "interested person" (for Process 3 and 4 permit decisions only) shall constitute an invalid appeal. In this instance, the initial decision by the Process Two, Three or Four decision maker shall be the final decision of the City of San Diego.

V. APPEALS TO THE COASTAL COMMISSION

For those projects within the Appealable Jurisdiction of the Coastal Overlay Zone (as noted on Map C-730, and defined by SDMC Section 113.0103), appeals of the final decision of the City of San Diego may be made to the California Coastal Commission in accordance with procedures set forth in SDMC Section 126.0710. Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108. Phone (619) 767-2370. Appeals must be filed within 10 working days of the Coastal Commission receiving a Notice of Final Action from the City of San Diego, Development Services Department.